

Summary for Corrections Administrators

Summer 1993

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TOPICAL SURVEY: Americans with Disabilities Act

Information on how state corrections agencies are responding to the Americans with Disabilities Act (ADA) was received from forty-three state agencies plus the District of Columbia, a total of forty-four DOCs. The NIC Information Center has received copies of a number of states' plans for ADA compliance and, based on survey results, has compiled a list of coordinators for ADA in the DOCs. Persons interested in either should contact the Information Center.

Impact of the Act

As Table I shows, twenty-six of the respondents anticipate that the Americans with Disabilities Act will have a substantial impact on their agencies. Nine respondents do not believe the ADA will have a substantial impact on their agencies, and nine others are not sure of the potential impact.

Extent of Compliance

Table I also indicates the extent of agencies' compliance with the ADA. Twenty-nine state corrections agencies have developed plans to achieve compliance with the ADA; another eight agencies are in the process of developing such plans. Seven respondents indicated that their agencies have not developed a Plan.

- **Compliance with ADA Hiring Regulations-**
Title I of the ADA addresses employee issues. Thirty-five of the forty-four survey respondents indicated that their agencies are in compliance with Title I in terms of employee hiring practices. Two agencies are not in compliance, six respondents indicated that they do not know if the DOC complies with this aspect of the ADA, and one respondent indicated that the question was not applicable to the agency.
- **Compliance with ADA Building Guidelines-**
Survey results indicate that forty agencies are complying with ADA building guidelines when

building new facilities or remodeling existing facilities. Two respondents indicated that they didn't know if their agencies were in compliance with ADA building guidelines; two indicated that the question was not applicable.

Lawsuits Resulting from the ADA

Respondents from nine states (Alabama, Arizona, Connecticut, Florida, Indiana, Kentucky, Massachusetts, New York, and North Carolina) indicated that their agencies are involved in lawsuits, claims, or issues related to the ADA. As of mid-April, only one of these cases, *Capitano v. State of Arizona*, had been decided. Although that case was filed under the Rehabilitation Act, the Pima County Superior Court judge applied the ADA in deciding the case in favor of the plaintiff. The Illinois DOC has not been involved in any ADA lawsuits, but the agency has responded to several related complaints involving, among other matters, access of a wheelchair visitor to one facility and the access of a hearing-impaired inmate to programs, services, and activities.

Training

All but two DOC respondents indicated that someone in the agency has received some training on the implications and ramifications of the Act.

Agencies were also surveyed on their training needs related to ADA. Respondents expressed interest in receiving additional training on a wide range of ADA-related topics. Mentioned most frequently were: Title I issues; definitions of "reasonable accommodation"; and information on innovative approaches developed by other DOCs to accommodate disabilities.

NIC is currently planning to provide training on the ADA to corrections personnel; all responses to this survey are being considered during NIC's planning process.

Table I. DOC Responses to the Americans with Disabilities Act

	DOC Anticipates Substantial Impact			DOC Has Compliance Plan		DOC Hiring Practices Are in Compliance			DOC's Current Construction Is in Compliance		
	Yes	No	Don't know	Yes	No	Yes	No	Don't know	Yes	No	Don't know
Alabama		✓		✓		✓			✓		
Alaska (No response)											
Arizona	✓			✓		✓			✓		
Arkansas			✓	✓		✓			✓		
California	✓			In process				✓	✓		
Colorado	✓			✓		✓			✓		
Connecticut	✓			✓		✓			✓		
Delaware	✓				✓	✓			N/A		
District of Columbia	✓			✓				✓			✓
Florida	✓			In process		✓			✓		
Georgia	✓				✓		✓		✓		
Hawaii			✓	✓		✓			✓		
Idaho		✓			✓	✓			✓		
Illinois			✓	✓				✓	✓		
Indiana	✓			✓		✓			✓		
Iowa	✓			In process		✓			✓		
Kansas	✓			✓		✓			✓		
Kentucky			✓	✓		✓			✓		
Louisiana			✓	✓		✓			✓		
Maine (No response)											
Maryland (No response)											
Massachusetts	✓			✓				✓			✓
Michigan	✓			✓		✓			✓		
Minnesota	✓			✓		✓			✓		
Mississippi	✓			✓				✓	✓		
Missouri		✓			✓	✓			✓		
Montana	✓			✓		✓			✓		
Nebraska	✓			✓		✓			✓		
Nevada (No response)											
New Hampshire	✓				✓	✓			✓		
New Jersey			✓		✓	✓			✓		
New Mexico	✓			✓		✓			✓		
New York		✓		In process		✓			✓		
North Carolina	✓			In process		✓			✓		
North Dakota	✓			✓		✓			✓		
Ohio (No response)											
Oklahoma			✓	In process		✓			✓		
Oregon			✓	✓		✓			✓		
Pennsylvania		✓		✓		✓			✓		
Rhode Island		✓		✓		N/A			N/A		
South Carolina	✓			✓		✓			✓		
South Dakota		✓		✓		✓			✓		
Tennessee		✓		In process			✓		✓		
Texas	✓			✓		✓			✓		
Utah (No response)											
Vermont			✓	✓		✓			✓		
Virginia	✓			✓		✓			✓		
Washington		✓		✓		✓			✓		
West Virginia	✓				✓			✓	✓		
Wisconsin	✓			In process		✓			✓		
Wyoming (No response)											
Bureau of Prisons *											
TOTALS	26	9	9	29	7	35	2	6	40	0	2

* The BOP declined to respond, pending completion and review of an ADA task force report.